

DEC 26 2007

JOHN F. CONCORAN, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROY STEVE DAVIS,
Plaintiff,

v.

TERRY O'BRIEN,
Defendant.

)
) Civil Action No. 7:07cv00582
)

) **FINAL ORDER**
)

) By: Hon. Glen E. Conrad
) United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ADJUDGED and ORDERED

that the instant action, filed pursuant to 28 U.S.C. § 2241, shall be construed as a civil rights action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and shall be **DISMISSED** for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b)(1). This action is hereby **STRICKEN** from the active docket of the court, and any pending motions are hereby **DENIED** as **MOOT**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.*

ENTER: This 26th day of December, 2007.



United States District Judge

* Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Civil Procedure by filing a notice of appeal with this court within thirty (30) days of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5) or 4(a)(6).